

ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING HELD January 19, 2006
PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 18, 2006, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

- Sheriff Gary Butler, Chairman
- Deputy Director Gary Phelps, representing Director Dora Schriro
- Detective Robert Thompson
- Chief Patricia Huntsman
- Chief Jerry Sheridan
- Director Roger Vanderpool
- Chief Jack Harris
- Mr. Tim Black, representing Attorney General Terry Goddard
- Dr. Michael Polakowski

Members Absent:

- Sheriff Clarence Dupnik
- Mr. Joseph Duarte
- Sgt. Tamatha Villar

Staff in Attendance:

- Lyle Mann
- Bob Forry
- Ted Brandon
- Steve Jacobs
- Curt Milam
- Sgt. Rick Watling
- Rosalee Fitch
- Ed Felix
- Lois Sherlock
- Marie Dryer
- Donna Freed
- Mark Zbojniewicz

Assistant Attorney General
Diana Stabler

Guest Roster:

Daren Simeona, NLETA
Sam Weiss, CARLOTA
Dan Rush, Snowflake/Taylor PD
Royd Hayes, Snowflake/Taylor PD
Sally Rush
Jerry Van Winkle
Dennis Young, ALEA/DPS
Rich Harper, Tucson PD
Kevin Lane, Tucson PD
Dale Norris
Patrick Bynes
Chuck Erickson, Central Arizona Project
Bob Kaecker, N.A.U.

A. CALL TO ORDER

Chairman Gary Butler convened the meeting at 10 a.m.

B. INTRODUCTIONS AND RECOGNITIONS

Director Tom Hammarstrom introduced Keith Bennet of the FBI – Phoenix Office who presented the Director's Community Leadership award to Daniel Elting recognizing his contribution.

Director Tom Hammarstrom presented Lois Sherlock with a plaque in appreciation for her outstanding service to AZPOST.

C. CONSENT AGENDA

Approved unanimously, motion made by Chief Huntsman, seconded by Chief Sheridan.

1. Minutes of the Regular Board meeting, held on November 16, 2005, were approved as written.
2. Minutes of the Charging Board meeting, held on December 14, 2005, were approved as written.

3. The next scheduled Regular Board meeting is Wednesday, February 15, 2006, 10 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.
4. Ministerial Actions:
 - a. Certification Waivers: The following individual(s) have met the requirements set forth in AZ POST Rule R13-4-110 and have successfully completed the testing process and verification by AZ POST staff. Therefore, upon Board direction, certified peace officer status has been granted to:

Karen Anderson	Phoenix Police Department
Daniel R. Brinkerhoff	Scottsdale Police Department
Michele M. Carman	Surprise Police Department
Carl R. Downs	Holbrook Police Department
Tammy L. Happold	Camp Verde Marshal's Office
Brian L. Jones	Glendale Police Department
David L. Lakey	AZ Department of Corrections
Rodney L. Little	Chandler Police Department
Nathan A. Loescher	Glendale Police Department
Jay C. O'Neill	Glendale Police Department
Dale D. Pascual	Pascua Yaqui Police Department
Kory P. Rafferty	Glendale Police Department
Timothy Rawcliffe	Scottsdale Police Department
Keith Schenkel	MCCD – Pecos Campus
Chief Kenneth P. Schwab	Colorado River Indian Police Department
Michael F. Starnes	Yavapai County Sheriff's Office
Brandi L. White	Scottsdale Police Department
Paul Wiley	Chandler Police Department
 - b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES.
 - c. Training Program Confirmations: Agency requests were reviewed by staff and found to comply with Board guidelines. Programs were confirmed as requested. LIST ATTACHED TO MINUTES.
6. Decertification Case Status Report Update – As of December 30, 2005, the Compliance and Standards Unit has a caseload of 160 active cases. 13 cases are ready for initial presentation; 57 cases need further investigation; 25 cases are pending service of or response to a Notice of Complaint or Decision; 12 cases are pending hearing; 12 cases are ready for final action, and 41 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

7. Income and Expense Statement – November 2005

Funds as of November 1, 2005	\$ 1,465,359.35
CJEF Revenue	533,326.24
Expenditures/Encumbrances	(232,178.47)
Balance for September 30, 2005	\$ 1,766,507.12

D. REGULAR AGENDA

1. IGA with Central Arizona College for Mr. Jon Heiden. To enter into an intergovernmental agreement with Central Arizona College for the services of Jon Heiden through FY 2008, and that the Board approve funding of 80% of Mr. Heiden's salary and employee related expenses during the period of the agreement.

Director Vanderpool made a motion to enter into an IGA with Central Arizona College for the services of Mr. Jon Heiden as a contract POST staff member through FY 2008, seconded by Chief Harris, motion carried unanimously.

2. Morrison Institute study entitled "Layers of meaning. Domestic Violence and Law Enforcement Attitudes in Arizona." Executive Director Hammarstrom reported that during 2005 POST supported and partially funded this Morrison Institute study to learn what Arizona peace officers think on the topic of domestic violence, and the law enforcement role in addressing the issue. The results of the study indicate that rank and file officers in Arizona believe that domestic is an important law enforcement issue that is deserving of their time and effort. The results reflect positively upon the domestic violence training officers currently receive, as well as the policies and procedures employed by Arizona agencies. The information gained through this study will help improve the quality of future POST training programs on domestic violence.

Mr. Hart and Mr. Toon of the Morrison Institute also reported on the findings of their study indicating that domestic violence has had positive progress in attitudes and approach of officers and also reported frustration with officers due to the amount of calls and repeat calls pertaining to domestic violence.

3. Rural Firearms Range Development – Budget Adjustment. Staff requested an adjustment to the 2006 budget to allow the addition of \$200,000.00 for rural firearms range improvement during the current fiscal year.

Mr. Black made a motion to accept staff recommendation to increase the amount of allocation by \$200,000.00 for rural firearms range improvement during the current fiscal year, Chief Huntsman seconded the motion, motion carried unanimously.

E. LEGISLATIVE UPDATE

No report.

F. SUMMARY OF CURRENT EVENTS

Director Hammarstrom announced that Board member Lisa Flores, has been appointed as a judge in Maricopa County Superior Court and has submitted her resignation due to conflict.

G. COMMITTEE UPDATE

H. REPORTS

1. Basic Training

ALEA – Lt. Dennis Young reported that ALEA currently has four classes in session, which totals 164 recruits. Class 407 graduated on January 13, 2006, with 42 recruits representing 10 agencies. They will have another class starting on January 30, 2006 with 42 slots reserved representing 7 agencies. The attrition rate at ALEA has been steadily increasing since 2000 and spiked in 2004 with 32% and 2005 has decreased down to 18%. Obstacle course works is progressing slowly because staff members and recruits are building the course and projected to be completed before summer

CARLOTA – Director Weiss reported they currently have one class in session; Class #93. Class #92 started September 11th, currently with 33 cadets representing 20 agencies. They will graduate January 20th. Class #93 started on January 8th and now currently has 20 cadets, graduation scheduled for May 5th. Class #94 begins January 29th, with 57 registered cadets.

COTA – Commander Branch reported that since the last Board meeting, COTA has graduated 134 cadets out of 162 starts. Currently have 128 recruits attending the academy. Also, on January 27th COTA will host a 20-year dedication ceremony for the academy.

NLETA – Daren Simeona reported that they currently have 22 recruits attending in the 15th week of the academy. Not certain if they are going to have another Academy class after the current one is completed and have currently filled all of the open positions and if they receive additional funding to open up more positions they will possibly look at sending new recruits to the other participating academies.

SALETC - Commander Richard Harper introduced the new commander for the SALTEC academy, Lt. Kevin Lane. They currently have 71 recruits scheduled to graduate January 19th. Class 05-4 started December 12, 2005 with 19 recruits and currently has 12 recruits remaining. The next class begins February 20th, with 56 registered recruits representing 11 agencies. They have almost completed the 360 degree shoot house that will be a benefit to the recruits training.

2. Arizona Police Corps – Reporting for Director Heiden, Executive Director Hammarstrom reported that Arizona Police Corps is no longer, that the program will end at the end of January.
3. Department of Corrections – Mr. Phelps reported that the competition for detention and corrections officers continues to be intense. ADC currently has 1300 vacancies.
4. Arizona Regional Community Policing Institute – Executive Director Rod Covey reported that the award given to Det. Elting and that it is a positive reflection upon the antiterrorism program and in the process of expanding this program to Train the Trainer programs that can be taught at police and fire departments and train their own personnel and members of their communities. Additionally they are hoping to expand by applying for Homeland security grant to take care of the training that is related to domestic terrorism and homeland security.

Executive Director Covey reported that he met with the FBI before the meeting and that AZRCPI is in the process of acquiring the two training officers that has been awarded to AZRCPI. AZRCPO is one of eight RCPI's selected to acquire two training officers from the FBI to assist them in administering and participating in training of the RCPI curriculum as well as other curricula that the individual trainers from the FBI may have expertise. The positions were being advertised this week and could have the positions on board within the next sixty to ninety days.

Sgt Yoshimera is at the town hall in Eager and Springerville and continues to do the ethics training. We continue to do these town halls where we go out and assist police departments and Sheriff's organizations and this service is provided and has been used state wide.

The AZRCPI has the national program on volunteers and policing that this training is free and is brought to the organizations. Sgt. Boeck has been traveling the country primarily teaching on Domestic Violence. A new program that was just kicked off in Arizona in January which is a national program on the collection of DNA evidence with the help of Criminalist from the Phoenix PD and DPS will bring this program to rural Arizona or wherever it is needed and the first program in Arizona was a tremendous success.

Executive Director Covey and Executive Director Hammarstrom traveled to a national meeting of RCPI Directors in December and were informed that the funding for the institutes has diminished dramatically.

Executive Director Covey also informed the Board that on January 30, 2006 AZRCPI and AZPOST is bringing Dr. Howard Prince from the University of Texas to do a four hour training on a WestPoint Leadership Program.

I. FINAL ACTION CASES: Consideration and possible action on the certified status of peace officers.

Case #1 – Christopher J. Potten. *Chief Harris recused himself from participation and voting on this case.* The Board Considered comments from Attorney Dale Norris on behalf of Mr. Potten and Assistant Attorney General Diana Stabler for the state. Director Vanderpool made a motion to deny request for consideration, motion dies due to lack of a second motion. Mr. Black made a motion to reconsider, seconded by Dr. Polakowski, motion carried unanimously. Mr. Black made a motion to suspend peace officer certification for one year from January 18, 2006 to January 18, 2007, Mr. Phelps seconded, motion died with seven nay votes. Dr. Polakowski made a motion to suspend peace officer certification until lapse, Chief Huntsman seconded, motion carried with three nay votes.

Case #2 – Eric Duggan – The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement, Order and Decision for voluntary relinquishment of peace officer certification, Mr. Phelps seconded, motion carried unanimously.

Case #3 – Rene X. Lopez – The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement, Order and Decision for voluntary relinquishment of peace officer certification, seconded by Mr. Black, motion carried unanimously.

Case #4 – Michael V. McFadden – *Director Vanderpool recused himself from participation and voting on this case.* The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Consent Agreement, Order and Decision for suspension of peace officer certification for one year from March 30, 2005 to March 30, 2006, seconded by Chief Sheridan, motion carried unanimously.

Case #5 – Kenneth Wilson – *Chief Sheridan recused himself from participation and voting on this case.* The Board considered comments from Assistant A. G. Diana Stabler. Mr. Black made a motion to adopt the Consent Agreement, Order and Decision and suspend peace officer certification for three months, beginning January 5, 2005 to April 5, 2005, seconded by Mr. Phelps, motion carried unanimously.

Case #6 – Robert L. Arrison – Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year, beginning January 18, 2006 to January 18, 2007, seconded by Mr. Black, motion carried with two nay votes.

Case #7 – John T. Brooks – Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend eligibility of peace officer certification for one year, beginning January 18, 2006 to January 18, 2007, seconded by Chief Harris, motion carried unanimously.

Case #8 – David S. Kiss – Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Vanderpool, motion carried unanimously.

Case #9 – Daniel L. Rush – *Sheriff Butler recused himself from participation and voting on this case.* The Board considered comments from Assistant A. G. Diana Stabler, Mr. Rush, Sgt. Hayes, and Chief Van Winkle. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year beginning May 23, 2005 to May 23, 2006, seconded by Mr. Phelps, motion carried unanimously.

Case #10 – Lindrith H. Tsoodle – Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Mr. Phelps, motion carried unanimously.

Case#11 – James K. Morrow – The Board considered comments from Assistant A. G. Diana Stabler. Mr. Black made a motion to adopt the Findings of Fact and Conclusions of Law and deny peace officer certification, seconded by Director Vanderpool, motion carried unanimously.

Case#12 – Isiah Permelia – The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Harris, motion carried unanimously.

J. CHARGING CASES: Consideration of Complaints against peace officer certification based upon reports of misconduct.

Case #1 – Wesley L. Biggs. Chief Sheridan made a motion to initiate proceedings, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – Patrick L. Bynes. *Chief Harris recused himself from participation and voting on this case.* Director Vanderpool made a motion to initiate proceedings with the opportunity for a consent agreement, seconded by Mr. Black, motion carried unanimously.

Case #3 – Greg C. Flores. *Director Vanderpool recused himself from participation and voting on this case.* Chief Sheridan made a motion to initiate proceedings with the opportunity for a consent agreement, seconded by Mr. Phelps, motion carried unanimously.

Case #4 – Anna E. Garcia. Chief Sheridan made a motion to close the case and designate it to research further, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Edgil N. Hector. *Director Vanderpool recused himself from participation and voting on this case.* Chief Huntsman made a motion to initiate proceedings, seconded by Mr. Phelps, motion carried unanimously.

Case #6 – Miranda Z. James. Chief Harris made a motion to initiate proceedings, seconded by Director Vanderpool, motion carried unanimously.

Case #7 – Thomas H. Mitchell, Jr. *Director Vanderpool recused himself from participation and voting on this case.* Mr. Black made a motion to close the case with No Action, seconded by Chief Sheridan, motion carried unanimously.

Case #8 – Jeffrey P. Montei. *Director Vanderpool recused himself from participation and voting on this case.* Chief Sheridan made a motion to initiate proceedings, seconded by Chief Huntsman, motion carried unanimously.

Case #9 – Bruce W. Pankow. Director Vanderpool made a motion to close the case with No Action, seconded by Mr. Phelps, motion carried unanimously.

Case #10 – Daniel G. Pereda. *Director Vanderpool recused himself from participation and voting on this case.* Mr. Black made a motion to initiate proceedings, seconded by Chief Harris, motion carried unanimously.

Case #11 – Brian D. Rader. Director Vanderpool made a motion to initiate proceedings, seconded by Chief Harris, motion carried unanimously.

Case #12 – Alfonso Villar. *Director Vanderpool recused himself from participation and voting on this case.* Chief Sheridan made a motion to initiate proceedings with the opportunity for a consent agreement, seconded by Chief Huntsman, motion carried unanimously.

Case #13 – Victor M. Zavala. Chief Sheridan made a motion to initiate proceedings, seconded by Chief Huntsman, motion carried unanimously.

K. ADJOURN

Chairman Butler adjourned the meeting at 12:35 p.m.

Dated January 23, 2006

Maria Valtierra, Recording Secretary